

Application No. 10/086,483
Amendment dated December 13, 2004
Reply to Office action of October 5, 2004

REMARKS:**Status Of Claims**

Claims 1-21 were previously pending, claim 16 has been amended, and claims 31-37 have been added. Thus, claims 1-21 and 31-37 are currently pending in the application with claims 1, 10, 16, 31, 32, and 36 being independent.

Office Action

The Examiner objected to the use of "global positioning system (GPS)", as an improper use of a trademark. While Applicant acknowledges that "GPS" is a registered trademark for many things from educational services, U.S. Trademark Reg. No. 2,777,766, to bicycle parts, U.S. Trademark Reg. No. 2,762,628, Applicant is not aware of a registration consisting solely of "GPS" used in connection with a "global positioning system". Rather, Applicant's use of "GPS" is as an industry standard acronym for the "global positioning system". In support of Applicant's assertion, Applicant directs the Examiner's attention to any of the U.S. Patents assigned to Garmin or those with "GPS" in their title.

In the office action, the Examiner rejected claims 2, 9, and 19 under 35 U.S.C. 112, second paragraph. Specifically, the Examiner does not understand how the "second mounting frame [is] coupled between the electronic module and the first mounting frame", as claimed in claim 2. Applicant directs the Examiner's attention to the embodiment of the present invention shown in figure 1C. In that embodiment, the electronic module 130 is

Application No. 10/086,483
Amendment dated December 13, 2004
Reply to Office action of October 5, 2004

placed within the second mounting frame 120, which is placed within the first mounting frame 100. In this manner, the "second mounting frame [is] coupled between the electronic module and the first mounting frame", as claimed in claim 2.

The Examiner did not specifically identify any indefiniteness with respect to claim 9. However, Applicant stands ready to address any indefiniteness the Examiner would care to identify.

The Examiner rejected claim 19 as being indefinite for recitation of "global positioning system (GPS)", "since trademarks are always subject to interpretation". Applicant believes this issue has been address above. Specifically, Applicant believes that use of "GPS" in the present application is as an industry standard acronym, rather than a trademark. However, Applicant stands ready to any required changes.

The Examiner also rejected claims 1-9, 16-18, and 20-21 under 35 U.S.C. 102(b) as being anticipated by Moss et al., U.S. Patent No. 6,144,549. The Examiner also rejected claims 10-15 under 35 U.S.C. 103(a) as being unpatentable over Moss in view of Revis, U.S. Patent No. 6,359,775. The Examiner also rejected claim 19 under 35 U.S.C. 103(a) as being unpatentable Moss. Applicant respectfully submits that the currently pending claims distinguish the present invention from Moss, Revis, and the other prior art references of record, taken alone or in combination with each other.

Specifically, claim 1 recites displaying "a display unit located directly in front of the electronic module and in communication with the electronic module, the display unit having a first range of mounting locations with respect to the electronic module". Thus, claim 1 recites three limitations for the display unit. Specifically, the display unit must be "located

Application No. 10/086,483
Amendment dated December 13, 2004
Reply to Office action of October 5, 2004

directly in front of the electronic module", "in communication with the electronic module", and have "a first range of mounting locations with respect to the electronic module".

In contrast, as the Examiner acknowledged on page 6, second paragraph, "Moss et al does not disclose a display unit located directly in front of the plurality of electronic modules and in communication with the electronic modules, the display unit having a display range of mounting locations with respect to the electronic modules." For example, as the Examiner noticed, Moss's display has only one mounting position wherein it is located directly in front of the electronic module. Specifically, in the position shown in figures 1 and 3, the display 140 is below the electronic module 110.

Furthermore, Revis' display 128 is located to the side of his electronic modules 166, 168. As a result, neither Moss's display nor Revis' display meets all three limitations of the display, as recited in claim 1. Therefore, neither Moss nor Revis can anticipate claim 1. Finally, as both Moss and Revis teach away from the limitations of claim 1, neither Moss nor Revis discloses, suggests, or makes obvious the limitations of claim 1.

Claim 4 recites "wherein the mounting surface includes a cockpit instrument panel". In contrast, Moss does not include the words "cockpit", "instrument", or even "avionic". In fact, rather than being directed to a device for mounting an avionic instrument system to a cockpit instrument panel, as claimed in claim 4, Moss is directed to a module for a personal computer. As a result, Moss simply cannot anticipate "wherein the mounting surface includes a cockpit instrument panel", as claimed in claim 4.

Claim 9 recites "wherein the second range of mounting locations includes a horizontal range of mounting locations". Claim 9 depends from claim 2, which recites "a

Application No. 10/086,483
Amendment dated December 13, 2004
Reply to Office action of October 5, 2004

second mounting frame coupled between the electronic module and the first mounting frame along a second range of mounting locations with respect to the first mounting frame".

Thus, the second range of mounting locations is for "the electronic module ... with respect to the first mounting frame".

Applicant is at a loss to understand how Moss's figure 1 shows that "the second range of mounting locations includes a horizontal range of mounting locations". In contrast, Moss's figure 3 shows just the opposite. Specifically, figure 3 shows a vertical range of mounting locations for the electronic modules. As a result, Moss simply cannot anticipate "wherein the second range of mounting locations includes a horizontal range of mounting locations", as claimed in claim 9.

Claim 10 recites "a display unit located directly in front of the plurality of electronic modules and in communication with the electronic modules, the display unit having a display range of mounting locations with respect to the electronic modules". Thus, claim 10 includes essentially the same three limitations of claim 1 discussed above, but further requires the display to be mounted in front of a "plurality of electronic modules".

As noted above, the Examiner acknowledged that "Moss et al does not disclose a display unit located directly in front of the plurality of electronic modules and in communication with the electronic modules, the display unit having a display range of mounting locations with respect to the electronic modules." However, the Examiner relies on Revis to show this limitation. As noted above, and shown in his figures, Revis' display 128 is located to the side of his electronic modules 166,168. Therefore, Revis actually teaches away from "a display unit located directly in front of the plurality of electronic

Application No. 10/086,483
Amendment dated December 13, 2004
Reply to Office action of October 5, 2004

modules", as claimed in claim 10. As a result, no combination of Moss and/or Revis discloses, suggests, or make obvious "a display unit located directly in front of the plurality of electronic modules", as claimed in claim 10.

Obviousness, it will be appreciated, can be a problematic basis for rejection because the Examiner, in deciding that a feature is obvious, has benefit of the Applicant's disclosure as a blueprint and guide, whereas one with ordinary skill in the art would have no such guide, in which light even an exceedingly complex solution may seem easy or obvious. Furthermore, once an obviousness rejection has been made, the Applicant is in the exceedingly difficult position of having to prove a negative proposition (i.e., non-obviousness) in order to overcome the rejection. For these reasons, MPEP § 2142 places upon the Examiner the initial burden of establishing a *prima facie* case of obviousness.

If the Examiner fails to establish the requisite *prima facie* case, the rejection is improper and will be overturned. *In re Rijckaert*, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). Only if the Examiner's burden is met does the burden shift to the applicant to provide evidence to refute the rejection.

Specifically, the Examiner must satisfy three criteria in order to establish the requisite *prima facie* case of obviousness: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine their teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or combination of references) must teach or suggest all the claim limitations. MPEP §706.02(j), citing *In re Vaeck*, 20 USPQ2d 1438 (Fed. Cir. 1991).

Application No. 10/086,483
Amendment dated December 13, 2004
Reply to Office action of October 5, 2004

In meeting this initial burden, as stated in MPEP §2143.03, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970).

In the present case, as discussed above, neither Moss nor Revis disclose "a display unit located directly in front of the plurality of electronic modules and ... having a display range of mounting locations with respect to the electronic modules", as claimed in claim 10. Specifically, both Moss and Revis disclose displays that have only two positions. In their respective lower positions, neither display can be said to be "directly in front of" any "electric modules". Furthermore, Revis' lower position cannot be said to be a mounting location, as in this position, the display is not properly secured or ready for use. Rather, Revis' lower position is simply designed to move the display out of the way. Therefore, no combination of Moss and/or Revis teaches a display "having a display range of mounting locations with respect to the electronic modules" while "located directly in front of the plurality of electronic modules", as claimed in claim 10.

Furthermore, "[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." *In re Fritch*, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992); see also *In re Gordon*, 221 USPQ2d 1125, 1127 (Fed. Cir. 1984). Additionally, "if the proposed modification would render the prior art invention being

Application No. 10/086,483
Amendment dated December 13, 2004
Reply to Office action of October 5, 2004

modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." MPEP §2143.01.

In the present case, as discussed above, rather than mounting a display in front of a plurality of modules, Revis discloses a display 128 mounted along side a plurality of modules 166,168. In column 4, lines 6-16, Revis disclosed that modules 166,168 are disk drives, such as a CD-ROM. Since mounting the display 128 in front of Revis' modules 166,168 would prevent a user from accessing them, such a modification would render Revis' invention "unsatisfactory for its intended purpose". As a result, there can be no suggestion or motivation to modify Revis to make obvious "a display unit located directly in front of the plurality of electronic modules", as claimed in claim 10.

In summation, no combination of Moss and/or Revis teaches each of the claim limitations of claim 10. Additionally, no combination of Moss and/or Revis can supply the requisite suggestion or motivation to combine their teachings. As a result, no combination of Moss and/or Revis discloses, suggests, or make obvious "a display unit located directly in front of the plurality of electronic modules *and* ... having a display range of mounting locations with respect to the electronic modules", emphasis added, as claimed in claim 10.

Claim 11 recites "wherein a front face of each electronic module includes a long axis and a short axis, and wherein each electronic module is coupled to the second frame with the long axis oriented vertically". Claim 11 depends from claim 10, which recites "a second mounting frame coupled to each of the electronic modules and coupled to the first mounting frame along a module range of mounting locations with respect to the first mounting frame". Therefore, claim 11 requires that the electronic modules are coupled to

Application No. 10/086,483
Amendment dated December 13, 2004
Reply to Office action of October 5, 2004

the second frames with a "long axis oriented vertically" and having a "range of mounting locations".

In contrast, both Moss and Revis show and describe just the opposite. Specifically, their electronic modules are shown and described as having a long axis oriented horizontally. As a result, no combination of Moss and/or Revis discloses, suggests, or makes obvious "wherein a front face of each electronic module includes a long axis and a short axis, and wherein each electronic module is coupled to the second frame with the long axis oriented vertically", as claimed in claim 11.

Claim 12 recites "wherein the avionic mounting surface includes a cockpit instrument panel". As discussed above with respect to claim 4, neither Moss nor Revis even include the words "cockpit", "instrument", or even "avionic". As a result, no combination of Moss and/or Revis discloses, suggests, or makes obvious "wherein the avionic mounting surface includes a cockpit instrument panel", as claimed in claim 12.

Claim 15 recites "wherein the module range of mounting locations includes a horizontal range of mounting locations". Claim 15 depends from claim 10, which recites "a second mounting frame coupled to each of the electronic modules and coupled to the first mounting frame along a module range of mounting locations with respect to the first mounting frame". Therefore, claim 15 requires that the electronic modules are coupled to the first frame along a "horizontal range of mounting locations". It should be noted that mounting electronic modules along a vertical range is the current industry practice. Therefore, mounting electronic modules along a horizontal range is a significant departure from current industry practice. In fact, as stated at the bottom of page 11:

Application No. 10/086,483
Amendment dated December 13, 2004
Reply to Office action of October 5, 2004

The inventive concept of allowing varying locations of key components allows a single mounting system to be used with several varieties and configurations of aircraft, within the crowded confines of the instrument panel. Ranges of flexibility with this system include the ability to arrange modules horizontally, and the ability to locate the display unit vertically. The multi-dimensional mounting flexibility of the mounting system shown allows electronic modules 130 to be mounted in close proximity to a display unit 140, which greatly increases accessibility of the modules 130 over prior configurations where modules 130 were housed in the nose or rear of an aircraft. Installation, repair, and replacement are all greatly simplified with this configuration.

In contrast, both Moss and Revis simply show and describe the current practice; albeit, in a completely different industry. Specifically, both Moss and Revis are concerned with the personal computer industry, rather than the avionics industry of the present invention. However, on this one issue, both industries follow the same practice. In each case, the prior art electronic modules are shown and described as being mounted along a vertical range of mounting locations. As a result, no combination of Moss and/or Revis discloses, suggests, or makes obvious "wherein the module range of mounting locations includes a horizontal range of mounting locations", as claimed in claim 15.

Claim 16 now recites "a second mounting frame coupled to the first mounting frame along a module range of mounting locations with respect to the first mounting frame", "a display unit located directly in front of the first mounting frame, the single display unit

Application No. 10/086,483
Amendment dated December 13, 2004
Reply to Office action of October 5, 2004

having a display range of mounting locations with respect to the first mounting frame" and "wherein the module range of mounting locations is arraigned substantially perpendicular to the display range of mounting locations".

In contrast, both Moss and Revis show and disclose just the opposite. For example, both Moss and Revis show and disclose their respective electronic modules being mounted along a vertical range. Additionally, both Moss and Revis show and disclose their respective displays having vertical movement along a vertical range. Therefore, both Moss and Revis show and disclose the ranges of both the electronic modules and the displays as being at least roughly parallel, rather than "substantially perpendicular" as claimed in claim 16. As a result, no combination of Moss and/or Revis discloses, suggests, or makes obvious "wherein the module range of mounting locations is arraigned substantially perpendicular to the display range of mounting locations", as claimed in claim 16.

Claim 17 recites "wherein the avionic mounting surface includes a cockpit instrument panel". As discussed above with respect to claims 4 and 12, neither Moss nor Revis include the words "cockpit", "instrument", or even "avionic". Specifically, rather than being directed to an avionic instrument mounting system, as claimed in claim 17, Moss and Revis are both directed to modules for personal computers. As a result, no combination of Moss and/or Revis discloses, suggests, or makes obvious "wherein the avionic mounting surface includes a cockpit instrument panel", as claimed in claim 17.

Claim 21 recites "wherein the module range of mounting locations includes a horizontal range of mounting locations". Claim 21 depends from claim 16 which recites "a second mounting frame coupled to the first mounting frame along a module range of

Application No. 10/086,483
Amendment dated December 13, 2004
Reply to Office action of October 5, 2004

mounting locations with respect to the first mounting frame". Therefore, claim 21 requires that the second mounting frames modules are coupled to the first frame along a "horizontal range of mounting locations".

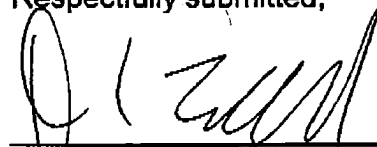
As discussed above with respect to claim 15, both Moss and Revis disclose current industry practices which are exactly opposite of the present invention. As a result, no combination of Moss and/or Revis discloses, suggests, or makes obvious "wherein the module range of mounting locations includes a horizontal range of mounting locations", as claimed in claim 21.

Claims 31-37 have been added to further distinguish the present invention over the prior art. The remaining claims all depend directly or indirectly from independent claims 1, 10, 20, 28, or 43 and are therefore also allowable.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 501-791. In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Respectfully submitted,

By:



David L. Terrell, Reg. No. 50,576
Garmin International, Inc.
1200 East 151st Street
Olathe, KS 66062
(913) 397-8200
(913) 397-8282 (Fax)